

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICHARD L. AMBROSE,

Petitioner,

v.

JOHN EVANS,

Respondent.

No. 10-0172-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

On November 7, 2011, the Court entered an Order and a Judgment in this case denying Ambrose's habeas corpus petition and dismissing the case with prejudice (Docs. 31 and 32). However, the Court did not address the issue of the certificate of appealability. Based on the following, the Court finds that Ambrose is not entitled to a certificate of appealability.

Rule 11(a) of the Rules Governing habeas corpus proceedings requires that "the district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." The Court will issue such a certificate, however, "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This standard is met when "reasonable jurists could debate whether ... the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000);

Barefoot v. Estelle, 463 U.S. 880, 893 & n. 4, 103 S.Ct. 3383, 77 L.Ed.2d 1090 (1983).

Here, the Court can find no reason why reasonable jurists would debate or disagree with the Court's ruling that Ambrose's claims are procedurally defaulted as he did not raise them through one complete round in the state court. Therefore, the Court declines to certify any issues for appeal pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Signed this 10th day of November, 2011.


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Herndon
Date: 2011.11.10 14:54:34 -06'00'



**Chief Judge
United States District Court**